

# REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

**FOR PURPOSES OF CONSIDERATION OF**  
Hefner-Brown Minor Subdivision (4 Lots + Remainder)  
3200-21159 (TM); 3910-09-02-002 (ER)

**September 23, 2010**

**I. HABITAT LOSS PERMIT ORDINANCE** – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES  
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NO  
☐

NOT APPLICABLE/EXEMPT  
☐

Discussion:

The proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program and the project site contains habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. The project complies with the Habitat Loss Permit Ordinance as documented in the Draft Habitat Loss Permit and 4(d) findings.

**II. MSCP/BMO** - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES  
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NO  
☐

NOT APPLICABLE/EXEMPT  
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Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

**III. GROUNDWATER ORDINANCE** - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES  
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NO  
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NOT APPLICABLE/EXEMPT  
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## Discussion:

The project will obtain its water supply from the Rainbow Municipal Water District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

**IV. RESOURCE PROTECTION ORDINANCE** - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The <a href="#">Steep Slope</a> section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

## Discussion:

***Wetland and Wetland Buffers:***

The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

***Floodways and Floodplain Fringe:***

The project is not located near any floodway/floodplain fringe area as defined in the resource protection ordinance, nor is it located near any watercourse which is plotted on any official County floodway/floodplain map. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

***Steep Slopes:***

The average slope for the property exceeds 25 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are steep slopes on the property however, an open space easement is

proposed over the entire steep slope lands. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

***Sensitive Habitats:***

Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. No sensitive habitat lands were identified on the site as determined on a site visit conducted by Ashley Gungle on February 11, 2010. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

***Significant Prehistoric and Historic Sites:***

The property has been surveyed and evaluated by a County of San Diego certified archaeologist/historian Philip de Barros of Professional Archaeological Services and it has been determined there is one archaeological site on the property. Shovel probing and archival research determined that the four loci of a historic trash scatter, CA-SDI-19502, does not meet the definition of significant site. Therefore, the site does not need to be preserved under the Resource Protection Ordinance.

**V. STORMWATER ORDINANCE (WPO)** - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES  
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NO  
☐

NOT APPLICABLE  
☐

Discussion:

Department of Public Works staff has reviewed the Preliminary Drainage Study, Stormwater Management Plan (SWMP), and Preliminary Grading Plan prepared by Wm. Karn Surveying. The SWMP is considered adequate for CEQA purposes and complies with the San Diego County Standard Urban Stormwater Mitigation Plan (SUSMP) and Watershed Protection Ordinance (WPO) requirements for a SWMP.

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES  
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NO  
☐

NOT APPLICABLE  
☐

Discussion:

Even though the proposal could generate potentially significant noise levels (i.e., in excess of the County General Plan or Noise Ordinance), the following noise mitigation measures are proposed to reduce the noise impacts to applicable limits:

Project consists of a four parcel subdivision and remainder parcel located west of Interstate 15 within the Bonsall Community Planning area. The project is subject to the

County Noise Element exterior noise level requirement of 60 dBA CNEL for proposed noise sensitive land uses. Based on the noise report, permanent noise barriers is required to demonstrate consistency with this General Plan requirement. Parcels 2, 3, and 4 were found to exceed the 60 dBA CNEL requirement and permanent noise mitigation barriers would be required to reduce future traffic noise levels to less than significant. Parcel 2 would experience future traffic noise levels as high as 63 dBA CNEL at the ground level of the proposed pad. Parcel 2 requires the installation of a six (6') foot high noise barrier along the eastern and southern portion of the pad to screen noise from Interstate 15. The 6-foot high noise barrier for Parcel 2 can be constructed of earthen berm, masonry block wall, ¼-inch thick glass or any combination of these materials. Incorporation of this noise barrier would reduce noise levels to 60 dBA CNEL and below.

Through detailed noise modeling and site design coordination between the noise consultant and project engineer, the following mitigation measures were determined for both Parcels 3 and 4 to demonstrate 10% of the net lot would meet the 60 dBA CNEL requirement. Parcel 4 is located adjacent to Interstate 15. Unmitigated ground floor future traffic noise levels would be as high as 64 dBA CNEL. The combination of lowering the pad elevations to 330-feet and installing an earthen berm noise barrier would reduce these noise levels to 60 dBA CNEL and below. The earthen berm noise barrier would have a starting elevation of 310-feet beginning in the southern portion of the parcel, rising to an elevation of 364-feet running in the northerly direction between the Parcel 4 pad and Interstate 15. Parcel 3 is located west of Parcel 4, and would experience unmitigated future traffic noise levels as high as 62 dBA CNEL. The combination of noise attenuation by distance and construction of an earthen berm noise barrier would reduce noise levels to 60 dBA CNEL and below. The earthen berm design on Parcel 3 is located along the south portion of the parcel varying in elevation height of 314-feet to 350-feet running in the westerly direction. As indicated within the noise report, the both earthen berm noise barriers for Parcels 3 and 4 are required to reduce noise levels to less than significant on Parcel 3. Please refer to Figure 2-C within the noise report for noise barrier heights and locations. The second story future traffic 60 dBA CNEL noise contours are shown on Figure 2-A which falls on a substantial portion of the site. A noise restriction easement shall be dedicated to the tentative parcel map to ensure that interior noise requirements are met at the time building plans are available.

Construction equipment operations have also been evaluated in association with the project subdivision. The County noise standard for the operation of construction equipment allows a sound level of 75 dBA (eight-hour period) at the boundary of an occupied structure. Minimal amount of grading is required for Parcels 1 and 2 to create the pad areas and access roads. Based on the size of the Parcels, construction equipment operational noise would dissipate to below 75 dBA at a distance of 75-feet. No construction noise impacts will occur on Parcels 1 and 2. All grading operations for Parcel 4 would occur more than 85 feet from the southern property line with the exception of the access road and less than 20-feet of the grading for the berm. Not all equipment will be utilized or staged within 85-feet and therefore no impacts are anticipated for Parcel 4. The grading operations for the earthen berm on Parcel 3 would generate noise levels as high as 83.5 dBA at the southern property line. This is a

conservative construction equipment evaluation consisting of the combined operations of a D-8 Dozer and compactor. A 10-foot high temporary noise barrier is required to reduce the noise from grading the earthen berm on Parcel 3. A noise monitor will be required for grading operations on Parcel 3. The noise monitor shall ensure that noise mitigation measures are implemented and noise levels at the southern property boundary comply with County noise standards. Therefore, incorporation of permanent and temporary noise barriers, noise monitoring and a dedication of a noise restriction easement to the entire site would ensure the project's consistency with County noise standards.